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4 JANE DOE, et al.,  
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6 Plaintiffs,  
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8 v.  
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10 SANTA CLARA COUNTY  
11 DEPARTMENT OF HEALTH AND  
HUMAN SERVICES, et al.,  
12 Defendants.

Case No. 22-cv-04948-JSW

**ORDER DISCHARGING ORDER TO  
SHOW CAUSE, DISMISSING  
DEFENDANT CLARK, ORDERING  
DKT. NO. 57 BE SEALED, AND  
ADMONISHING COUNSEL**

Re: Dkt. No. 56, 57

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14 On February 9, 2024, this Court ordered Plaintiffs to show cause why the claims against  
15 Defendant Clark should not be dismissed for failure to serve pursuant to Federal Rule of Civil  
16 Procedure 4(m) or failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).  
17 Plaintiffs filed a response on February 15, 2024, indicating that they did not oppose the dismissal  
18 without prejudice of Defendant Clark or Defendant Hernandez. (Dkt. No. 57.) The Court  
19 ORDERS that Defendant Clark is HEREBY DISMISSED, WITHOUT PREJUDICE pursuant to  
20 Rule 4(m).

21 The Order to Show Cause is HEREBY DISCHARGED.

22 The Declaration of David M. Meyers contains privileged attorney-client and  
23 psychotherapist-patient communications that should not have been published on the public docket.  
24 The Court therefore ORDERS that Docket No. 57 be sealed.

25 The Court is gravely concerned that Attorney Meyers violated his duties of competence,  
26 diligence, and loyalty to Plaintiffs by publishing their confidential and privileged communications.  
27 Further, Attorney Meyers' declaration evidences a lack of diligence on his part in prosecuting this  
28 action against Defendants Clark and Hernandez, as Attorney Meyers does not consider those

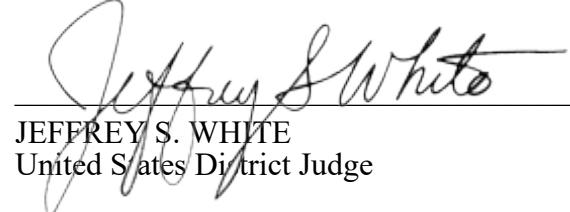
1 Defendants to be important. Attorney Meyers also appears unaware that Defendant Hernandez  
2 had previously been dismissed from this action under Rule 4(m). (Dkt. No. 54.)

3 Accordingly, the Court HEREBY ADMONISHES Attorney Meyers and warns that future  
4 violations of his ethical obligations to Plaintiffs will result in sanctions, including monetary  
5 sanctions, referral to the Standing Committee on Professional Conduct for further investigation  
6 pursuant to Civil Local Rule 11-6(a)(1), and/or referral to the State Bar of California.

7 **IT IS SO ORDERED.**

8 Dated: February 16, 2024

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10 JEFFREY S. WHITE  
11 United States District Judge



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United States District Court  
Northern District of California